

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Civil Action No.
CV-04-2359 (SJF)

MOTION FOR DEFAULT JUDGMENT

Defendant Gary Dear hereby moves the Court pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2 to enter default judgment in favor of defendant and against plaintiff Richard Cirmi on the grounds that default has been entered against this plaintiff for failure to answer or otherwise defend against the Counterclaims. Plaintiff Richard Cirmi is not an infant, incompetent, or in military service of the United States, as more particularly shown by the Declaration of David Kritzer herewith.

Dated: August 6, 2007
Huntington, New York

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